

## § 1446.807

### § 1446.807 Paperwork Reduction Act assigned numbers.

The information collection requirements contained in these regulations (7 CFR part 1446) have been approved by the Office of Management and Budget (OMB) in accordance with 44 U.S.C. Chapter 35 and have been assigned OMB control numbers 0560-0006, 0560-0014 and 0560-0133.

[56 FR 38331, Aug. 13, 1991]

## PART 1447—2000 PEANUT MARKETING ASSISTANCE PROGRAM

### Subpart A—General Provisions

Sec.

- 1447.101 Applicability.
- 1447.102 Administration.
- 1447.103 Definitions.
- 1447.104 Producer eligibility.
- 1447.105 Time for filing application.
- 1447.106 Payment rate.
- 1447.107 Calculation of payment.
- 1447.108 [Reserved]
- 1447.109 Assignment of payments.
- 1447.110 Miscellaneous provisions.

AUTHORITY: Pub. L. 106-78, 113 Stat 1135; Sec. 204(a), Pub. L. 106-224; 15 U.S.C. 714b, 714c.

SOURCE: 65 FR 7958, Feb. 16, 2000, unless otherwise noted.

### Subpart A—General Provisions

#### § 1447.101 Applicability.

This part sets out provisions related to the 2000 crop of peanuts as authorized and in accordance with the applicable provisions of Public Law 106-224, the Agricultural Risk Protection Act of 2000 (the 2000 Act). Under section 204(a) of the 2000 Act, the Secretary of Agriculture is required to make certain payments available to eligible producers of 2000-crop quota and additional peanuts.

[65 FR 65718, Nov. 2, 2000]

#### § 1447.102 Administration.

(a) *Responsibility.* The Farm Service Agency (FSA), will administer this part under the general direction and supervision of the Administrator, FSA, or the Executive Vice President, Commodity Credit Corporation (CCC), as applicable. In the field, these regulations shall be carried out by State and

## 7 CFR Ch. XIV (1-1-02 Edition)

county Farm Service Agency committees.

(b) *Limitation of authority.* A State or county committee or its employees or representatives, or any marketing association or its employees or representatives, may not modify or waive any of the provisions of this part or any amendment or supplement to it.

(c) *Supervisory authority.* Delegation of authority contained in this part shall not preclude the Administrator, FSA, the Executive Vice President, CCC, or a designee of such person from determining any questions arising under the regulations or from reversing or modifying any determinations made pursuant to such delegation.

#### § 1447.103 Definitions.

For purposes of this part, the definitions and provisions of parts 718, 719, 729, 780, 790, 791, 793, 1402, 1403, 1407, 1421, 1422, 1446 and 1498 of this title are incorporated and shall apply except where the context or subject matter or provisions of the regulations in this part otherwise requires or provides. References contained in this subpart to other parts of this chapter or title include any subsequent amendments to those referenced parts. Unless the context indicates otherwise, any reference to the Executive Vice President of CCC shall also be read to mean any persons designated by the Executive Vice President. The definitions in this section shall be applicable for all purposes of administering the 1999 Peanut Marketing Assistance Program. Unless the context or subject matter otherwise requires, the following words and phrases as used in this part and in all related instructions and documents shall have the following meanings:

*CCC* means the Commodity Credit Corporation, an agency and instrumentality of the United States within the United States Department of Agriculture.

*County committee* means the local FSA county committee.

*Crop year* means the calendar year in which a crop is planted.

*Deputy Administrator* means the Deputy Administrator for Farm Programs, Farm Service Agency (FSA), or a designee.

## Commodity Credit Corporation, USDA

## § 1447.107

*FSA* means the Farm Service Agency, United States Department of Agriculture.

*Planted acres* means land in which seed has been placed, appropriate for the crop and planting method, at a correct depth, into a seedbed that has been properly prepared for the planting method and production practice normal to the area as determined by the county committee.

*Producer* means a producer as defined in part 718 of this title.

*Secretary* means the Secretary of the United States Department of Agriculture.

*Total production* means, for purposes of calculating assistance payments under this part, the total production eligible for payment, calculated as the sum of acres planted times the established farm yield or highest actual yield for the current crop year or the previous 3 crop years, whichever is greater.

*United States* means all 50 States of the United States, the Commonwealth of Puerto Rico, the Virgin Islands and Guam.

*USDA* means the United States Department of Agriculture.

### § 1447.104 Producer eligibility.

(a) Producers of quota and/or additional peanuts in the United States will be eligible to receive benefits under this part provided their share in the planted acreage of such peanuts is greater than zero.

(b) Payments may be made to an eligible producer who is now deceased or is a dissolved entity if a representative who currently has authority to enter into a contract for the producer signs the Peanut Marketing Assistance Program Payment Application and Summary (FSA-1043). Proof of authority to sign for the deceased producer or dissolved entity must be provided. If a producer is now a dissolved general partnership or joint venture, all members of the general partnership or joint venture at the time of dissolution or their duly authorized representatives must sign the application for payment.

### § 1447.105 Time for filing application.

(a) Applications for benefits under this part must be filed on or after Octo-

ber 2, 2000, but not later than the close of business on February 1, 2001, in the county FSA office serving the county where the producer's farm is located for administrative purposes.

(b) The Deputy Administrator may grant general exceptions to these deadlines for filing applications.

[65 FR 7958, Feb. 16, 2000, as amended at 65 FR 65718, Nov. 2, 2000]

### § 1447.106 Payment rate.

(a) *Payment rate for quota peanut production.* The payment rate for quota peanuts under this part is \$30.50 per ton.

(b) *Payment rate for additional peanut production.* The payment rate for additional peanuts under this part is \$16.00 per ton.

[65 FR 65718, Nov. 2, 2000]

### § 1447.107 Calculation of payment.

(a) *Calculating producer's share of peanuts produced or considered produced on a farm.* The amount of peanuts produced or considered produced by a producer on a farm, for which the producer's share in the acreage planted to peanuts is greater than zero, is the product of:

(1) The number of acres planted to peanuts on the farm, times

(2) The producer's percent share in the acres planted, times

(3) The highest yield from the following choices:

(i) The established farm yield,

(ii) The actual yield for any of the 1997, 1998 or 1999 crop years,

(iii) The actual yield for the 2000 crop year.

(b) *Determination of quota or additional peanut payment rate.* A producer's eligibility for payments at the quota rate and at the additional rate will be computed separately. A producer, within the quantity limit determined under paragraph (a) of this section, may claim payments at the quota payment rate to the extent that it is determined that the producer used a quota to market the peanuts or was prevented from doing so because of conditions beyond the producer's control. The producer's eligibility shall, otherwise, be only at the additional peanut payment rate.

## § 1447.108

## 7 CFR Ch. XIV (1–1–02 Edition)

(c) *Calculating producer's total assistance payment*—(1) *Assistance payment for quota peanuts.* A producer's assistance payment for quota peanuts is the product of the assistance rate for quota peanuts set forth in § 1447.106(a) times the sum of the amount of quota pounds eligible for payment for each farm as determined under paragraphs (a) and (b) of this section.

(2) *Assistance payment for additional peanuts.* A producer's assistance payment for additional peanuts is the product of the assistance rate for additional peanuts set forth in § 1447.106(b) times the sum of the amount of additional pounds eligible for payment for each farm as determined in paragraphs (a) and (b) of this section.

[65 FR 7958, Feb. 16, 2000, as amended at 65 FR 65718, Nov. 2, 2000]

### § 1447.108 [Reserved]

### § 1447.109 Assignment of payments.

Payments made under this part may be assigned in accordance with the provisions of part 1404 of this chapter.

### § 1447.110 Miscellaneous provisions.

(a) A person may be denied payments under this part if it is determined by the State or county committee or an official of FSA that such person has:

(1) Adopted any scheme or other device that tends to defeat the purpose of a program operated under this part;

(2) Made any fraudulent representation with respect to such program; or

(3) Misrepresented any fact affecting a program determination.

(b) In the event there is a failure to comply with any term, requirement, or condition for payment or assistance arising under this part, and if any refund of a payment to CCC shall otherwise become due in connection with this part, all payments made in regard to such matter shall be refunded to CCC, together with interest as determined in accordance with paragraph (c) of this section and late-payment charges as provided for in part 1403 of this chapter.

(c) Producers shall be required to pay interest on any refund required of the producer receiving assistance or a payment if CCC determines that payments or other assistance were provided to

the producer and the producer was not eligible for such assistance. The interest rate shall be 1 percent greater than the rate of interest that the United States Treasury charges CCC for funds, as of the date of payment. Interest that is determined to be due CCC shall accrue from the date such benefits were made available by CCC to the date repayment is completed. CCC may waive the accrual of interest if CCC determines that the cause of the erroneous determination was not due to any error by, or fault of, the producer.

(d) All persons with a financial interest in the operation receiving benefits under this part shall be jointly and severally liable for any refund, including related charges, which is determined to be due CCC for any reason under this part.

(e) In the event that any request for assistance or payment under this part was established as result of erroneous information or a miscalculation, the assistance or payment shall be re-computed and any excess refunded with applicable interest.

(f) The liability of any person for any penalty under this part or for any refund to CCC or related charge arising in connection therewith shall be in addition to any other liability of such person under any civil or criminal fraud statute or any other provision of law including, but not limited to, 18 U.S.C. 286, 287, 371, 641, 651, 1001 and 1014; 15 U.S.C. 714m; and 31 U.S.C. 3729.

(g) Any person who is dissatisfied with a determination made with respect to this part may make a request for reconsideration or appeal of such determination in accordance with the regulations set forth at parts 11 and 780 of this title.

(h) Any payment or portion thereof to any person shall be made without regard to questions of title under State law and without regard to any claim or lien against the crop, or proceeds thereof.

## PART 1464—TOBACCO

### Subpart A—Tobacco Loan Program

Sec.

1464.1 Administration.

1464.2 Availability of price support.

1464.3 Level of price support.